

**BOARD OF CHIROPRACTIC EXAMINERS  
MINUTES**

DATE: October 8, 2015

TIME: 9:00 AM CST

LOCATION: Poplar Conference Room  
665 Mainstream Drive, 1<sup>st</sup> Floor  
Nashville, TN 37243

MEMBERS PRESENT: Chris Alexander, D.C., President  
Richard Cole, D.C., Board Member  
Andrea Selby, D.C., Board Member  
Cole Hosenfeld, D.C., Board Member  
Joseph Amato, D.C., Board Member  
Nancy Strawn, Consumer Member  
Sheila Fitzgerald, Consumer Member, Secretary

STAFF PRESENT: Michael Sobowale, Unit Director  
Lakita Taylor, Unit Manager  
Zandra Pickett, Board Administrator  
Mark Cole, Assistant General Counsel

GUESTS: Rachel Talley, Office of Investigations

**Call to Order**

With a quorum present, Dr. Alexander called the meeting to order at 9:23 AM. Mrs. Pickett welcomed two new board members Dr. Joseph Amato and Mrs. Nancy Strawn.

**Minutes**

During review of the minutes from the July 23, 2015 meeting, Dr Hosenfeld requested that the minutes be amended to correct a reference listed beside Dr. Cole's name as vice-president and also, for the minutes to properly reflect that Dr. Craig Ratcliff was not present at the July 23<sup>rd</sup> meeting. There being no other corrections, Dr. Cole made a motion, seconded by Dr. Hosenfeld, to accept the minutes of the July 23, 2015 meeting as amended. The motion carried.

**Applicant Interview/Review – Scott Lai, DC**

Mr. Sobowale gave a detailed review on the application of Dr. Scott Lai, an applicant for a chiropractic physician's license. Dr. Alexander offered Dr. Scott Lai the opportunity to comment on the details surrounding his criminal record and license discipline in the State of Texas as presented to the board. Dr. Lai provided his own explanation of the information contained in his

license application for consideration by the board. After board discussion and review, and upon a motion made by Mrs. Fitzgerald, seconded by Dr. Cole, the Board voted to deny Scott Lai's request for licensure in the state of Tennessee. The motion carried

### **Investigative and Disciplinary Reports**

Rachel Talley, disciplinary coordinator in the Office of Investigations presented the investigative and disciplinary reports. She reported the Office of Investigations currently has seventeen (17) open complaint cases for all chiropractic physicians. Eleven (11) are pending 1<sup>st</sup> review, six (6) are pending 2<sup>nd</sup> review and none are being investigated at this time. The next review is scheduled for November 6, 2015 and all complaint files will be reviewed at that time. Mrs. Fitzgerald inquired about the case of Dr. Roger Byrd being under Appeal and Mrs. Tally informed her that she did not have information about this case, but Mr. Cole, the board's advisory attorney might. Dr. Cole informed Mrs. Talley of his running problem with complaints not being followed up on. He stated that his knowledge of this information was based on him personally tracking the information reported. Mrs. Talley informed him that BIV would be more than happy to talk with him and follow up on the ones he has been tracking. Dr. Selby inquired about the complaint process and Mrs. Talley went over complaint and investigative processes in detail.

### **Ratifications**

Dr. Hosenfeld made a motion, seconded by Ms. Fitzgerald, to approve the following list of new licensees and reinstatements for ratification; the motion carried:

### **CHIROPRACTIC PHYSICIANS -12**

ARCO RICHARD IAN	DETWEILER, TYREL
HEDDEN LARRY	MAXWELL-KROCKENBERGER STACEY
MCLAIN, JUSTIN CLIFTON	SEYMOUR, CAROLINE
STYRON KENDRA ANNE	JONES, DAVID THOMAS
WARREN PAULA EMMA	WOODSON ANGELA MARIE
ZIMMERMAN WILLIAM JOSEPH	WATKINS GRANT GUY

### **CHIROPRACTIC THERAPY ASSISTANTS-10**

BILLINGS JENNY	LAYBORNE MISTY RENEE
ELLIS AUBREY	FOWLER MELANIE NELSON
FREEMAN SARAH BETH	HOWELL PAULA ANN
HUNTER BROOKE	KNOBLOCK SANDRA KAY
MCFALL BRITTANY LYN	RYGLEWSKI ANNA

### **CHIROPRACTIC X-RAY TECHNOLOGIST-1**

LEEDS ELIZABETH GRACE

## **REINSTATEMENT**

### **CHIROPRACTIC PHYSICIANS -7**

GATLIN JILL CHRISTINE

JACKSON JASON

QUINT JORDAN SCOTT

WRIGHT-SMITH CAROL A

GROUP JONATHAN N. (Voluntary Retired) BRENDA MEDINA

NORMAN ATNIP

### **CHIROPRACTIC THERAPY ASSISTANTS-2**

SCOTT JESSICA

ROBYN PIKE

### **Office of General Counsel Report**

Mr. Cole, Assistant General Counsel, reported there are currently 31 open disciplinary cases on 16 chiropractors. He reviewed in detail the whole process of a complaint. He discussed the Open Meetings Act (Sunshine Law) and the Conflicts of Interest policy. Mr. Cole provided a current status on proposed chiropractic rule changes and the rulemaking hearing. He reported the rules are currently still with the Commissioner's office, and will be going to the Governor's Office for signature. Fifty (50) days from the date of the governor's signature, the plan is to schedule a rule hearing before the end of the year. Dr. Alexander requested board staff to schedule a room for the tentative meeting date for the rulemaking hearing.

### **Agreed Citation – Brenda Medina, D.C. License No. 2286**

Upon review by the Board, a motion was made by Dr. Cole, seconded by Dr. Hosenfeld, to approve the Agreed Citation for Brenda Medina, DC #2286. Dr. Medina agreed to pay civil penalties in the amount of \$600.00 for working on a lapse license. The motion carried.

### **Financial Report**

The Board reviewed the financial report as provided in the meeting materials. Ms. Fitzgerald inquired whether the surplus recorded in the financial report is subject to being "swept up" by the State at a later date. Mr. Sobowale responded that the projections for the current fiscal year are not available for this meeting but the fiscal office will be able to provide an update on the Board's financial status at the next meeting and also advise the Board as to how to use its surplus at that time.

### **Administrative Report**

Ms. Zandra Pickett, Board Administrator, presented the administrative report. As of September 14, 2015, there were 1146 active Chiropractic Physicians licensees, 473 Chiropractic Therapist Assistants, and 123 Chiropractic X-Ray Technologists.

STATISTICAL REPORT

LICENSURE STATUS TOTALS FOR THE MONTHS OF  
JULY 14, 2015 THROUGH SEPTEMBER 14, 2015

<b>Chiropractic Physician</b>	
New Applications Received - 14	
New Licenses Issued – 12	Renewal Total- 100
Reinstatements – 7	Online Renewals- 47
Licenses Retired- 3	Paper Renewals- 53
Failed to Renew/Expired - 7	
<b>Chiropractic Therapist Assistant</b>	
New Applications Received - 15	
New Licenses Issued- 10	Renewal Total- 28
Reinstatements- 2	Online Renewals- 12
Licenses Retired- 6	Paper Renewals- 16
Failed to Renew/Expired- 8	
<b>Chiropractic X-Ray Technologist</b>	
New Applications Received - 2	
New Licenses Issued- 1	Renewal Total- 7
Reinstatements- 0	Online Renewals- 4
Licenses Retired- 1	Paper Renewals- 3
Failed to Renew/Expired- 1	

For this reporting period, online renewals for Chiropractic Physicians constituted a usage rate of 47 %. For Chiropractic Therapist Assistants, it is 43 %, and for Chiropractic X-Ray Technologists, it is less than 57 %.

**TSAC ORDERS**

None to report at this time

**CE AUDIT**

The Board discussed and reviewed the list of licensees that were non-compliant for continuing education in 2014. Upon a motion made by Dr. Cole, seconded by Dr. Selby, the Board voted to issue Agreed Citation, 30 days from the October 8, 2015 board meeting date, to each affected licensee starting from November 8, 2015. The motion carried.

On a separate, unrelated issue, Dr. Hosenfeld noted that the number of CTAs/CXTs were consistently disproportionate to the number of actively-licensed DCs and wondered what the board could do to address this problem. Dr. Cole suggested that, perhaps, requiring a facility license might fix the problem. Mrs. Taylor stated that based on her experience with another board, a facility license was used and this might be a solution for the board. Dr. Alexander stated this was an issue that could be tabled for discussion more at a later time but would also like the record to reflect that the Board is concerned about this issue.

### **Revised Acupuncture Policy Statement**

The board reviewed and discussed a draft of the combined acupuncture policy presented by administrative staff. Dr. Cole made a motion, seconded by Dr. Hosenfeld, to replace the current two policies posted on the website with a combined policy. Thereafter, the board voted to combine and use the acupuncture policy dated February 20, 2014 and the subsection on the use of title in the acupuncture policy, to replace the two acupuncture policies currently posted on the board's website. The motion carried.

### **Correspondence Review**

**Wendy Gilmore, DC**, submitted a letter inquiring about the types of Electrodiagnosis studies that is included in board policy and whether such would include performing a Needle EMG or Surface Electromyography and/or Nerve Conduction studies. Her letter also wanted the Board to address, if a person was certified, whether it would be listed under Specialty Board Certifications and how this certification training would be approved by the Board. Upon board discussion and review, the board decided that Dr. Cole should write a letter of response to Dr. Gilmore to address her question about Electrodiagnosis studies.

**Danique Howell, DC** submitted a letter requesting an extension on the Jurisprudence, Ethics and Boundaries requirement. Upon board discussion and review, a motion was made by Dr. Cole, seconded by Dr. Selby, for the board to approve this request. Thereafter, the board voted to grant Dr. Howell a 6 month extension to complete the six (6) continuing competence hours. The motion carried.

**Allyson (Quesinberry) Webber, CTA**, submitted a letter requesting an extension for the required six (6) continuing competence hours for 2014 to be completed with the 2015 requirements. Upon board discussion and review, a motion was made by Ms. Fitzgerald, seconded by Dr. Selby, for the board to approve this request. Thereafter, the Board voted to grant Ms. Webber an extension and require completion of the six (6) continuing competence hours by April 1, 2016. The motion carried.

**Lisa Humphries, CTA**, submitted a letter requesting the board accept her unapproved continuing education. Upon board discussion and review, a motion was made by Dr. Hosenfeld, seconded by Dr. Cole, to reject her request for Board acceptance of her unapproved continuing education and also, to grant Ms. Humphries an extension and require her to complete six (6) continuing competence hours by April 1, 2016. The motion carried.

**Kayla Orton, CTA**, had her supervisor submit a letter requesting an extension to complete the 1200 hours of supervision required to become certified. Dr. Cole provided a detailed description of CTA duties performed in the office to obtain the needed 1200 supervised hours. Dr. Cole later made a motion, seconded by Ms. Fitzgerald, for the board to approve this request and grant

an extension for 6 months as needed. Thereafter, the board voted to grant Ms. Orton an extension, as needed, to complete the 1200 hours of supervision. The motion carried.

**Joe Pryor, CXT**, submitted a letter requesting an extension for the required six (6) continuing competence hours for 2015, due to becoming unaware at the last minute that the course he normally took to fulfil this requirement is unapproved. Upon board discussion and review, Dr. Cole made a motion, seconded by Dr. Selby, for the board to approve this request. Thereafter, the Board voted to grant Mr. Pryor an extension and require completion of the six (6) continuing competence hours by April 1, 2016. The motion carried.

**Janet Riley, CXT**, submitted a letter requesting an extension for the required six (6) continuing competence hours for 2014 to be completed with the 2015 requirements, due to having 3 TN professional licenses and the hardship involved to maintain them. Upon board discussion and review, Dr. Cole made a motion, seconded by Dr. Hosenfeld, for the board to approve this request. Thereafter, the Board voted to grant Mrs. Riley an extension and require completion of the six (6) continuing competence hours by April 1, 2016. The motion carried.

#### **Council on Chiropractic Education Survey**

Ms. Pickett called the attention of the board to a survey request and call for comments received from the Council on Chiropractic Education (CCE) for board discussion. Dr. Cole spoke on the issue and stated that the CCE has developed new credentialing criteria for chiropractic colleges and institutions which has been published on the organization's website. He encouraged board members to visit the website at CCE.Org to review the new guidelines and comment as they wish.

#### **Discussion on Proposed Rules Revision for CXTs and CTAs**

Dr. Cole discussed the rationale for each section of the proposed rules revision and presented a draft of the revised rules as follows:

#### **Proposed Chiropractic Therapy Assistants Rules**

0260-05-.01 DEFINITIONS

(4) Board Administrative Office - The office of the Unit Director assigned to the board located at 665 Mainstream Drive, Nashville, TN 37243. ~~227 French Landing, Suite 300, Heritage Place, Metro Center, Nashville, TN 37243~~

(18) Supervision - The ongoing, direct review, for the purpose of training or teaching, by a licensed chiropractic, medical or osteopathic physician, nurse practitioner, or chiropractic therapy assistant supervisor who monitors the performance of an intern. The supervisor provides

regular documented face-to-face guidance and instruction with respect to the skills and competencies of the person supervised.

#### 0260-05-.02 SCOPE OF PRACTICE

Any person who possesses a valid unsuspended and unrevoked certificate issued by the Board has the right to use the title certified chiropractic therapy assistant. No other person shall assume this title on any work, letter, sign, figure, advertisement, or device to indicate that the person using the same is a certified chiropractic therapy assistant. The work performed includes offering physical agent modalities ~~and rehabilitation advice and services to the public,~~ therapeutic and rehabilitative services and advice, specifically and only on orders from a duly licensed physician or nurse practitioner.

#### 0260-05-.03 NECESSITY OF CERTIFICATION

(5) A chiropractic therapy assistant is one who serves the public only on the orders of a licensed physician or nurse practitioner, and as such the practice is restricted to those persons properly credentialed. Persons engaging in practice as a chiropractic therapy assistant without being credentialed by the board are in violation of T.C.A. §§ 63-4-123.

#### 0260-05-.06 FEES

(4) The Chiropractic Therapy Assistant Fee Schedule	Amount
(a) Application	\$ <del>150.00</del> 100.00
(b) Late Fee	\$ 100.00
(c) Renewal	\$ <del>100.00</del> 50.00
(d) Reciprocity	\$ 150.00
(e) Replacement Certificate	\$ 75.00
(f) State Regulatory (biennial)	\$ 10.00

#### Add: (5) Dual License (Chiropractic Therapy Assistant and Chiropractic X-ray Technologist)

	Amount
(a) Application	\$ 100.00
(b) Late Fee	\$ 100.00
(c) Renewal	\$ 50.00
(d) Reciprocity	\$ 100.00
(e) Replacement Certificate	\$ 75.00
(f) State Regulatory (biennial)	\$ 10.00

Add (6) Dual Licenses (Chiropractic Therapy Assistants and Chiropractic X-ray Technologists) - Persons who are licensed as a Chiropractic Therapy Assistant and Chiropractic X-ray Technologist at the same time shall pay according to the fees established for Dual Licenses. Persons who are licensed at separate times for these designations shall pay the application, initial

license and state regulatory fee for that additional license, but only at the time of the application. After these initial applications, only one renewal and state regulatory fee will be required.

#### 0260-05-.10 SUPERVISION

(1) Individuals who are issued a certificate as a chiropractic therapy assistant must act only on orders by a Tennessee licensed physician or nurse practitioner.

~~(3) Before being authorized to perform any chiropractic procedure or operate any equipment in a chiropractic physician's office, the chiropractic physician shall place a copy of the chiropractic therapy assistant's renewal certificate in his/her personnel file to prove the chiropractic therapy assistant being authorized has the appropriate certification required for either or both the procedure being performed and/or the equipment being used and that such certification is current.~~

(4 become 3)

The employing chiropractic physician(s), or a ~~chiropractic~~ nurse practitioner designated by the employing chiropractic physician(s) as a substitute supervisor, shall exercise close supervision and assume full control and responsibility for the services provided by any person certified under this chapter of rules employed in the chiropractic physician(s)' practice. This supervision, control and responsibility does not require the physical presence of the ~~chiropractic~~ physician(s) or nurse practitioner at all times at the site where the services are being provided. However, it does require that the chiropractic physician(s) have his/her primary practice physically located within the boundaries of the state of Tennessee and that he/she be capable of being physically present at the site where the services are being provided within a reasonable amount of time.

#### 0260-05-.12 CONTINUING EDUCATION

(1) Basic requirements-The Board of Chiropractic Examiners requires each certificate holder registered with the board to complete six (6) clock hours of continuing education each calendar year.

~~(2) New certification requirements~~

~~(a) A two (2) clock hour Board approved course in risk management, sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence must be taken within twelve (12) months prior to certification or within the first (1st) calendar year that continuing education is required. If taken prior to certification, the course must be an additional course beyond the regular chiropractic therapy assistant program. If taken after certification, the course shall not constitute part of the six (6) clock hour continuing education requirement in paragraph (1) of this rule. Those who are certified as both chiropractic X-ray technologists and chiropractic therapy assistants need only take this course once.~~

(b)

(Replace for 2) New certification by examination or reciprocity – New certificate holders, whether by examination or reciprocity, shall be exempted from the continuing education requirements of 0260-05-.12(1) for the calendar year in which they are certified, ~~but must take the two (2) hour course as described above in 0260-05-.12(2)(a).~~

~~(2) Current certificate holder requirement – Before January 1, 2008 every certificate holder who has not already done so must submit satisfactory proof of having successfully completed, as part of the annual continuing education requirement, the two (2) hour course described in subparagraph (2) (a) of this rule. It is the Board's intent that the two (2) hour course described in subparagraph (2) (a) of this rule must be completed once by all certificate holders.~~

(4 become 3) Acceptable Continuing Education

(a) To be acceptable continuing education, the course must be approved by the Board of Chiropractic Examiners. No prior approval is required for continuing education courses conducted by the American Chiropractic Association, the International Chiropractors Association, the Tennessee Chiropractic Association, or CPR training provided by the American Heart Association or the American Red Cross. No more than one (1) hour of credit will be granted for CPR training and courses.

(b) Whenever the Board decides that there is information that is crucial for certificate holders to have it may prepare and send that information to all continuing education providers in a format no larger than two (2) pages. All approved continuing education providers must, as a prerequisite to remaining an approved provider, reproduce and distribute this information from the Board to every certificate holder attending each of its individual continuing education courses or group of courses.

(5 become 4) Documentation

(a) Each certificate holder shall send proof of completion of the annual continuing education requirement to the board's administrative office so that it is received no later than January 15th of the year immediately following the end of each calendar year. Such proof may be transmitted electronically provided the board has capability for electronic receipt of proof. When proof is mailed to the board's administrative office, such proof must be one (1) or more of the following:

(6) ~~No~~ An option for continuing education credit ~~shall be awarded for multi-media~~ via approved distance learning hours or courses will be allowed only on even numbered years.

(7) (c) Training specifically related to policies and procedures of an agency except state statutes, rules and policies governing the practice as a Chiropractic Therapy Assistant.

## 0260-05-.13 PROFESSIONAL ETHICS

(Add) Chiropractic Therapy Assistants shall not engage in immoral, unprofessional, unethical, or dishonorable conduct.

## Proposed Chiropractic X-Ray Technologists Rules

### 0260-03-.01 DEFINITIONS

(4) Board Administrative Office - The office of the Unit Director assigned to the board located at 665 Mainstream Drive, Nashville, TN 37243. ~~227 French Landing, Suite 300, Heritage Place, Metro Center, Nashville, TN 37243~~

(14) Internship – Performing x-ray technologist duties under direction of a supervisor for the purpose of receiving practical training in providing physical agent modalities and rehabilitation.

### 0260-03-.02 SCOPE OF PRACTICE

Any person who possesses a valid unsuspended and unrevoked certificate has the right to use the title certified chiropractic x-ray technologist. No other person shall assume this title on any work, letter, sign, figure, advertisement, or device to indicate that the person using the same is a certified chiropractic x-ray technologist. The work performed includes offering ~~chiropractic x-ray technologist advice and radiological services and advice services~~ to the public, specifically and only on orders from a duly licensed ~~chiropractic~~ physician or nurse practitioner.

### 0260-03-.03 NECESSITY OF CERTIFICATION

(5) A chiropractic therapy assistant is one who serves the public only on the orders of a licensed physician or nurse practitioner, and as such the practice is restricted to those persons properly credentialed. Persons engaging in practice as a chiropractic x-ray technologists without being credentialed by the board are in violation of T.C.A. §§ 63-4-119.

### 0260-05-.06 FEES

(4) The Chiropractic Therapy Assistant Fee Schedule	Amount
(a) Application	\$ <del>150.00</del> 100.00
(b) Late Fee	\$ 100.00
(c) Renewal	\$ <del>100.00</del> 50.00
(d) Reciprocity	\$ 150.00
(e) Replacement Certificate	\$ 75.00
(f) State Regulatory (biennial)	\$ 10.00

Add: (5) Dual License (Chiropractic Therapy Assistant and Chiropractic X-ray Technologist)

	Amount
(a) Application	\$ 100.00
(b) Late Fee	\$ 100.00
(c) Renewal	\$ 50.00
(d) Reciprocity	\$ 100.00

- (e) Replacement Certificate \$ 75.00
- (f) State Regulatory (biennial) \$ 10.00

Add (6) Dual Licenses (Chiropractic Therapy Assistants and Chiropractic X-ray Technologists) - Persons who are licensed as a Chiropractic Therapy Assistant and Chiropractic X-ray Technologist at the same time shall pay according to the fees established for Dual Licenses. Persons who are licensed at separate times for these designations shall pay the application, initial license and state regulatory fee for that additional license, but only at the time of the application. After these initial applications, only one renewal and state regulatory fee will be required.

0260-03-.10 SUPERVISION

(1) Individuals who are issued a certificate as a chiropractic therapy assistant must act only on orders by a Tennessee licensed physician or nurse practitioner.

~~(3) Before being authorized to perform any chiropractic procedure or operate any equipment in a chiropractic physician's office, the chiropractic physician shall place a copy of the chiropractic therapy assistant's renewal certificate in his/her personnel file to prove the chiropractic therapy assistant being authorized has the appropriate certification required for either or both the procedure being performed and/or the equipment being used and that such certification is current.~~

(4 become 3)

The employing chiropractic physician(s), or a ~~chiropractic~~ physician or nurse practitioner designated by the employing chiropractic physician(s) as a substitute supervisor, shall exercise close supervision and assume full control and responsibility for the services provided by any person certified under this chapter of rules employed in the chiropractic physician(s)' practice. This supervision, control and responsibility does not require the physical presence of the ~~chiropractic~~ physician(s) or nurse practitioner at all times at the site where the services are being provided. However, it does require that the chiropractic physician(s) have his/her primary practice physically located within the boundaries of the state of Tennessee and that he/she be capable of being physically present at the site where the services are being provided within a reasonable amount of time.

0260-03-.12 CONTINUING EDUCATION

(1) Basic requirements-The Board of Chiropractic Examiners requires each certificate holder registered with the board to complete ~~six (6)~~three (3) clock hours of continuing education each calendar year.

~~(2) New certification requirements~~

~~(a) A two (2) clock hour Board approved course in risk management, sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence must be taken within twelve (12) months prior to certification or within the first (1st) calendar~~

~~year that continuing education is required. If taken prior to certification, the course must be an additional course beyond the regular chiropractic therapy assistant program. If taken after certification, the course shall not constitute part of the six (6) clock hour continuing education requirement in paragraph (1) of this rule. Those who are certified as both chiropractic X-ray technologists and chiropractic therapy assistants need only take this course once.~~

~~(b)~~

~~(Replace for 2) New certification by examination or reciprocity – New certificate holders, whether by examination or reciprocity, shall be exempted from the continuing education requirements of 0260-05-.12(1) for the calendar year in which they are certified, but must take the two (2) hour course as described above in 0260-05-.12(2)(a).~~

~~(1) Current certificate holder requirement – Before January 1, 2008 every certificate holder who has not already done so must submit satisfactory proof of having successfully completed, as part of the annual continuing education requirement, the two (2) hour course described in subparagraph (2) (a) of this rule. It is the Board's intent that the two (2) hour course described in subparagraph (2) (a) of this rule must be completed once by all certificate holders.~~

#### (4 become 3) Acceptable Continuing Education

(a) To be acceptable continuing education, the course must be approved by the Board of Chiropractic Examiners. No prior approval is required for continuing education courses conducted by the American Chiropractic Association, the International Chiropractors Association, the Tennessee Chiropractic Association, or CPR training provided by the American Heart Association or the American Red Cross. No more than one (1) hour of credit will be granted for CPR training and courses.

(b) Whenever the Board decides that there is information that is crucial for certificate holders to have it may prepare and send that information to all continuing education providers in a format no larger than two (2) pages. All approved continuing education providers must, as a prerequisite to remaining an approved provider, reproduce and distribute this information from the Board to every certificate holder attending each of its individual continuing education courses or group of courses.

#### (5 become 4) Documentation

(a) Each certificate holder shall send proof of completion of the annual continuing education requirement to the board's administrative office so that it is received no later than January 15th of the year immediately following the end of each calendar year. Such proof may be transmitted electronically provided the board has capability for electronic receipt of proof. When proof is mailed to the board's administrative office, such proof must be one (1) or more of the following:

~~(6) No~~ An option for continuing education credit shall be awarded for multi-media via approved distance learning hours or courses will be allowed only on even numbered years.

(7) (c) Training specifically related to policies and procedures of an agency except state statutes, rules and policies governing the practice as a Chiropractic X-Ray Technologist.

#### 0260-03-.13 PROFESSIONAL ETHICS

(Add) Chiropractic X-Ray Technologists shall not engage in immoral, unprofessional, unethical, or dishonorable conduct.

After a presentation of the proposed revision to the rules, Dr. Cole called for comments. Mr. Sobowale suggested that following changes be made in the proposed revisions:

1. Rule 0260-03-.10 (1), Supervision, in the proposed revised rule for CXTs, reference to chiropractic therapy assistant should be changed to chiropractic x ray technologist.
2. Rule 0260-03-.12 (§ 3) (a), Continuing Education - Documentation, in the proposed revised rule for CXTs, reference to continuing education becoming due by January 15<sup>th</sup> of the year immediately following the end of each calendar year should either be struck or revised to match the amended language in board rules to be discussed at the upcoming rulemaking hearing which makes proof of continuing education due at the time of license renewal or upon request by the board.
3. Rule 0260-05-.12(§ 3) (a), Continuing Education - Documentation, in the proposed revised rule for CTAs, reference to continuing education becoming due by January 15<sup>th</sup> of the year immediately following the end of each calendar year should either be struck or revised to match the amended language in board rules to be discussed at the upcoming rulemaking hearing which makes proof of continuing education due at the time of license renewal or upon request by the board.

At the conclusion of presentation and comments on the proposed rules revisions, the board decided to postpone further discussion until future board meetings in order not to impede the ongoing process regarding the upcoming rulemaking hearing on new rules and amendments for chiropractic physicians.

#### **Rulemaking Hearing**

Upon inquiry by board chair, Mr. Cole suggested that the earliest date that a rulemaking hearing could be held is December 17, 2015 and that board staff would work on securing a room for the hearing.

#### **Social Medial Policy**

Dr. Cole stated that it seems efforts have been made by other multiple agencies to move towards developing an acceptable social media policy but some challenges remain. He stated that he is still reviewing the issue with the Federation and that, in his opinion, the current board rules on

advertisement adequately covers the demands of the profession's core values of professionalism, integrity, and honesty.

### **DOT/Medical Laboratory Issue**

There was no update to report on this issue. Dr. Alexander requested that this topic be kept on the agenda for future board discussion.

### **Ethics and Boundaries Assessment Services**

Both Dr. Cole and Dr. Alexander briefed board members on the EBAS program and the possible benefits to the board. They discussed that it is a tool available to the Board to use as desired. EBAS services could be used by the Board attorney as part of a case discipline recommendation in complaint investigations or could also be used as part of a Board Order by the board in specific situations of license discipline.

### **Other Board Business/Discussion**

#### **a. CE Broker**

Dr. Alexander inquired about the status on the process of bringing on CE Broker. Mr. Sobowale explained that the memorandum of understanding was pending with other approving State agencies and that the pilot project that the Board is a part of with another regulatory board is still on track.

#### **b. Media Format for Applicant Interviews**

Dr. Hosenfeld inquired to confirm whether the Board is aware that board member oral interview can be conducted through a media format. Mr. Sobowale responded that conducting interviews through an electronic media format was a solution devised by administrative staff to streamline the process since board rule is silent on the issue. He stated that this was especially reasonable since some out-of-state applicants have contacted the board requesting to do an electronic interview instead of incurring additional time and expense in travel for the sole purpose of interviewing with a board member during the application process. The process was developed solely to cater to the requests of out-of-state applicants who are unable to travel.

#### **c. Newsletter**

The Board reviewed the board fall newsletter as prepared by staff. After review, Ms. Fitzgerald made a motion, seconded by Dr. Hosenfeld, to only distribute those by electronic mail to licensees. The motion carried.

### **Adjournment**

There being no other business, the meeting adjourned at 12:25 pm.

**These minutes were ratified by the Board at the January 28, 2016 meeting.**